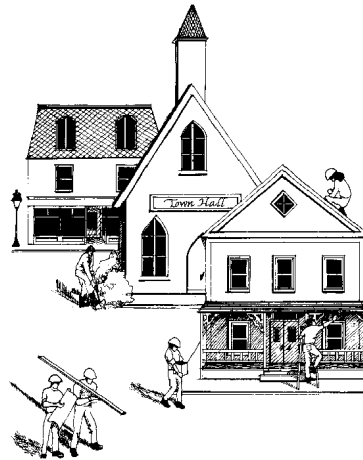


**PERMIT  
STREAMLINING:  
AN ACTION AGENDA  
FOR  
MASSACHUSETTS  
MUNICIPALITIES**

**Department of Housing and Community Development  
Argeo Paul Cellucci: Governor  
Jane Wallis Gumble, Director**



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## INTRODUCTION

This handbook begins with a goal statement regarding on-stop permitting and explores action items available to communities interested in pursuing this goal.

### **THE GOAL: ONE-STOP PERMITTING**

A coordinated approach to permitting activities is valuable to both applicants and communities. In order to achieve this goal, communities should strive to:

- fully understand their local permitting requirements,
- organize themselves to best serve their needs and those of applicants, and
- provide information necessary to understand their procedures and requirements.

The Commonwealth's municipalities have a number of reasons to be interested in streamlining their permitting processes; to serve their residents in the most efficient and expeditious way, to support economic development by creating user-friendly procedures and to conduct permitting activities in a coordinated fashion. It is possible to streamline the land-use permitting process in a community without compromising the protection necessary for the environment or the overall quality of life within the city or town.

As Massachusetts and its cities and towns strive to restore strength and balance to state, regional and local economies, attention is increasingly focused on the ways in which land-use permits are administered. Applicants are not always sure which agencies will be involved in granting permission to develop, expand or renovate properties nor what requirements are attached to each kind of permit. Massachusetts' 351 cities and towns operate under statutes that establish numerous boards and departments with the responsibility and authority to review development permit requests. In addition, the permitting process and practices may differ markedly even in neighboring communities.

This handbook was prepared in response to requests by some of the cities and towns of the Commonwealth for assistance in making their land-use permitting processes faster and more efficient. It contains a number of ideas suggestions and examples of ways in which applications, approvals and permits can be analyzed and considered. Also included are samples of materials shared by some of those Massachusetts' municipalities that have already begun work on permitting, either because of a desire to serve their residents better or because of a wish to maximize economic development.

Across the Commonwealth, communities are discovering new ways to improve the local process for evaluating development and to better serve themselves and applicants. For all categories of communities there are clearly advantages to exploring new ways of providing permitting services, and this handbook is designed to help you review your current practices and explore alternative approaches.

<b>ACTION AGENDA ONE: ASSESS THE CURRENT SITUATION</b>
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- \* ***Assemble The Players***
- \* ***Inventory Permits***
- \* ***Who Does What, And Where?***
- \* ***Review All Proposals Broadly\* Agree on a Plan***

***In several Massachusetts' communities, redesign of the land-use application and review process began with an assessment of the current permitting approach. Their Task Forces met to agree on goals and needs, examine the local process and agree on a streamlining plan of action. The situations which prompt local interest in streamlining vary by community but all share a basic process of identifying the issues at hand and the range of choices for addressing them.***

***What follows is a summary of steps suggested by actual community experience and EOCD research into the subjects. Sample materials follow the descriptive text.***

#### **ASSEMBLE THE PLAYERS**

The ultimate value of a permit streamlining effort is dependent on the inclusion of people most closely involved with the system on a regular basis. This is true in terms of designing effective and useful changes and in terms of successful implementation of such changes. The members of a task force or committee charged with looking at current practices, should reflect broad representation. At a minimum, members of such a group should include representatives of the planning board and planning department, conservation commission, board of health, building

department, fire and police departments, economic development commission or director, department of public works and any other such local offices whose work impinges on land-use in the community. Larger communities with traffic departments and environmental review committees among other technical groups, should include their representatives as well.

The members of the task force or committee should understand from the beginning that their role does not end with the drafting of recommendations for change, but includes working on the

implementation of any proposals finally adopted.

#### **INVENTORY PERMITS**

An inventory of permits issued by the community is a key ingredient in a plan to improve the permit process. An easy way to create a complete inventory is to ask each local agency, board and commission with any land-use permitting authority, to compile a list of those permits and approvals they administer. The list should include the name of the permit, the citation of the by-law, ordinance, regulation or statute governing it, and the titles of the local officials with the power to make

decisions regarding the applicant's request. The inventory could also include:

- A listing of permits by issuing departments, describing the requirements for each
- Identification of all departments or boards that are authorized to review each type of permit application
- A listing of the fees for each type of permit
- The maximum time for review of each kind of application by the relevant boards or committees
- The time required for issuing a permit once it is approved.

The completed inventory will also highlight the possibilities for joint department reviews, standardized application forms, consolidated hearings and other methods of making the process faster and more efficient. Some communities choose to bring the completed inventory back to the full membership of individual departments or commissions, while others opt to use the local task force that represents all of these agencies to review the materials and begin targeting opportunities for change. Municipalities which have decided to work with a consultant may want to compile a wish-list from staff and

turn that, as well as the inventory, over to the consultant

### **WHO DOES WHAT AND WHERE?**

The staffing levels within departments and the location of the departments themselves may play a part in the quality of the services provided. The permit inventory provides a list of the departments involved. Reviewing the staffing levels (number of staff and full/part-time status) and the location of the departments within Town Hall will provide additional information about the process of permitting within the community. This kind of review can also identify current "point people" in the permitting system.

### **REVIEW ALL PROPOSALS BROADLY**

The goal of the local task force or consultant should be a set of suggested recommendations for change which in some cases may be divided into immediate action issues, long-term proposals and further study items.

As noted, it is very important to be

inclusive in establishing the local task force that will work on streamlining. It is equally important to make certain that all recommendations made by the task force or the consultant are reviewed by a broad spectrum of local officials, residents and developers. This step serves the dual purpose of garnering comments from those who will be affected by changes and securing a consensus of support for the implementation of the proposals.

Formal reviews from relevant and interested agencies in the community that receive draft copies of the final materials, could be one element of the review process. Public forums which describe and explain the proposed changes could be another. In any event, the proposed changes should be carried in whatever newspapers cover the community. It should be made clear that local officials welcome any and all comments on the proposals and a date should be set by which such comments should be received.

### **AGREE ON A PLAN**

The Task Force product is a plan for streamlining. It may draw on their own conclusions from the

assessment/inventory described here or may include other

approaches such as the ones described in the following sections. Whatever and however extensive, it needs to have the support of groups represented by Task Force members and serve as the Plan through which the community will achieve the level of streamlining that meets their needs.

***Communities should keep in mind that some changes to permitting practices can only be made by adopting new local by-laws or ordinances. In addition, some changes may call for the drafting and filing of a home rule petition in the legislature to establish a process or procedure that differs from the statutory requirements. A consultant, committee or a task force should make clear whether each proposed amendment to present practice can be made unilaterally by the chief executive or the relevant board or department, must be approved as a new by-law or ordinance, or requires legislative action. It is very useful to have the town counsel or city solicitor review all recommendations to confirm this.***

## **ACTION AGENDA ONE: INVENTORY PERMITS EXAMPLES**

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From the Town of Amherst Final Report on developing a computerized permit tracking system.

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### **IV. NEEDS ANALYSIS**

#### **Purpose**

The next step in the process was for the Consultants to perform a Needs Analysis for every department that would be included in the permit system. The purpose of the Needs Analysis was to:

1. Identify each permit that would be included in the new system.
2. Identify the steps needed to request, issue, process, and accept/reject each permit
3. Identify the persons and departments involved in the reviewing, granting, etc., of each permit
4. Identify related permits, prior permits required, and inspections, etc., required.
5. Identify the current computer capability of each department, including hardware, computer
6. Prepare a list of questions, problems, and issues that needed to be resolved before the system could be installed.
7. Prepare a "wish-list". The wish list included items such as hand-held computers for computer literate inspectors, reports, automatic label generation, etc.

Each department was interviewed. All the staff in each department who were involved in the process were included in the interviews. A draft description and flow chart were prepared for each permit. This description was reviewed in follow-up interviews and corrections made.

The final draft on the Needs Analysis was distributed to the Permit Tracking Team and reviewed. Although the vendor selected later performed its own Needs Analysis, this step was invaluable for a number of reasons:

1. It identified each permit to be tracked.
  2. It Codified the process by which their permit was issued and completed.
  3. It focused the team on the process by which permits were issued and used in Amherst rather than on each person's individual tasks and on the personalities involved.
- 

The following is a sample matrix developed by DHCD which may be useful. This is only a sample; your community may require fewer or more permits and approval.

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## Permit Jurisdictions

	Departments	Building	Planning Bd	Conservation	Health	Fire	Public Works	Historical District Commi	Historical Commission	Zoning Board of Appeals	Town Clerk	Comments
Permits												
Foundation												
Electric												
Plumbing												
Gas												
Building												
Demolition												
Occupancy Permit												
Certification Program												
Determination of Applicability												
Order of Conditions												
Extension												
Certificate of Compliance												
Compliance												
Septic System Installation												
Well												
Swimming Pool												
Smoke Detectors												
Detectors												
Oil Burners												
Sprinklers												
Fire Alarms												
Extinguishers												
Wood Stoves												
Underground Storage Tanks												
Curb Cuts												
Water Hook-up												
Sewer Hook-up												
Subdivision Plan												
Preliminary												
Definitive												
ANR (approval not req) Subdivision												
Site Plan Review												
Special Permits												
Phased Growth												
Historic District Comm												
Historical Commission												
Special Permit												
Variance												
Certificate of No Appeal												

Note: This is a sample matrix which may be used as a tool to help inventory permits. Your Community may require fewer or more permits & approvals.



## ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE

- \* *Tap Into Staffing Strengths*
- \* *Location, Location, Location*
- \* *Committees That Help*
- \* *Permit Coordinators*
- \* *Department Consolidation*
- \* *Regional Approaches*

*With information about the departments and processes involved in permitting in your community (see section one), there may be some steps you can take through assignment of staffing, department locations, or committees that will make a big difference without costing a lot of money.*

*In more complex instances, the permitting process in your community may require significant actions such as the hiring of a single permit manager or the consolidation of departments to create the desired structure. Many of these actions have been used by communities in Massachusetts; some sample materials are included here.*

### **TAP INTO STAFFING STRENGTHS**

Review of departmental staffing patterns may reveal a number of opportunities to strengthen the permitting process. Some departments, for example may require only part-time support staff; the front line of the permitting procedures. The sharing of staff by multiple departments, or a full-time support person working half-time for two different boards, could result in better coordination between the boards and better information for applicants to either board.

### **LOCATION, LOCATION, LOCATION**

Department locations may also present opportunities to better coordinate information. The major permit-granting departments of your city or town hall may be scattered throughout the building. Changing the location of these departments can dramatically improve the lines of communication between them and simplify the process for applicants.

Combined with staff-sharing, location changes can be the first steps toward cross-training municipal departments to understand the different

roles that each department plays in the permit process and the information expected from each board.

### **COMMITTEES THAT HELP**

One of the most common tools used to expedite permit reviews in other parts of the country, and in use in the Commonwealth in a handful of communities, is a technical review committee. This approach provides a fast, effective early review of major projects. Appearing before the committee an applicant receives precise information about any additional documentation he will be required to

provide, the number and type of permits necessary for the proposed project, which municipal agencies he will be dealing with and the estimated time required for a response to the application. The committee serves an equally valuable purpose for the city or town, providing early information about major proposed projects to relevant boards or departments and allowing a rational coordination of the review process.

In most communities, this technical review committee meeting does not replace formal presentations to such agencies as the conservation commission or the planning board. Instead, it ensures that when such a formal presentation is made, the applicant will come prepared to provide all necessary materials and documentation. The applicant, based on the response of the technical review committee, may already have modified his proposal to eliminate egregious problems by the time he presents it to the board, but in any event will be better prepared to respond to issues raised by the community.

## **MORE COMPREHENSIVE SOLUTIONS**

### **PERMIT COORDINATORS**

At one end of the spectrum of permit coordinators is an office which centralizes all the materials, applications and information regarding various land-use permits. Those seeking information and those interested in filing applications would be automatically referred to the permit coordinator who would provide application forms, guides to the procedures involved in various permits and information on meeting schedules for boards and committees, among other pertinent data.

The coordinator could also track the status of all permit applications being processed by the community and provide such information to both municipal departments and to applicants.

At a higher level of responsibility, the permit coordinator could act as the administrative lead person for a formal or informal technical review committee.

In such a role, the permit coordinator could manage the flow of information from the applicant to the

community, making certain that each board and committee receives the data necessary, as well as the lines of communication between the community and the applicant so that the applicant is fully informed about each stage of the permit review.

At the furthest end of the spectrum, a permit coordinator's position could include the power to issue certain permits unilaterally, or to authorize their issuance. For instance, under this level of responsibility, the permit coordinator could review and certify the request of a resident to add a room to an existing home where no zoning variances are required, where no change in sewage disposal is planned and where there is no involvement with wetlands. Having reviewed such an application, the permit coordinator could directly authorize the building inspector to issue a building permit, shortening the application process dramatically. Such an expedited process could work for permits for new roofs, for decks, for garages and driveway paving among others. In addition, a similar procedure could be established for subdivision

plans where approval is not required.

To determine which permits a coordinator can be authorized to issue, town counsel or city solicitor should make clear which permitting requirements are statutory and which can be modified at the local level because they reflect only local practices, by-laws or regulations.

### **DEPARTMENT CONSOLIDATION**

Some more complex forms of consolidation either under consideration or already in place in other parts of the country include the following:

- consolidation of the building, planning and economic development departments into a new community development department
- consolidation of the authority for design reviews for proposed development projects within a task force representing all relevant municipal departments
- consolidation of training of all land-use permitting staffs
- development of a master calendar system to track development permit applications through the review and approval process

- centralizing all inspections in one municipal agency.

### **REGIONAL COOPERATION**

Consolidating some permitting services on an inter-community level may make sense for some cities and towns. This kind of consolidation could involve neighboring communities jointly funding a position to perform reviews of complex proposals, or integrating their permitting departments in other ways. An alternative consolidation technique could involve contracting for inspections or technical assessments of projects through the appropriate regional planning agency or county government. Any kind of joint or regional initiative would likely come under Chapter 40, Section 4A of the General Laws, which allows communities to join together to provide or secure any service jointly which they are statutorily able to perform individually.

### **CONSOLIDATION UNDER 43C**

Massachusetts General Laws, Chapter 43C, Section 13, provides for communities to consolidate the operation of inspection functions and use a single application process for all required state and local inspections. It is implemented through the local adoption of that section of statute by the city or town. Local officials interested in any aspect of streamlining should review the statute in detail and consider its implications for their communities. It may not exactly suit the procedures that an individual municipality may prefer, to make land-use permitting a faster and more efficient operation, but it has the advantage of short-cutting the need to draft, file and lobby for special act legislation.

## **ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE**

### **EXAMPLES**

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From the Town of 's "Simplified Permitting Process - Land Use Permitting Procedure",  
drafted by the Lunenburg Planning Board.

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**LUNENBURG PLANNING BOARD**  
*Lunenburg, Massachusetts*

### **RECOMMENDED PROCEDURES FOR FACILITATING PERMITS IN A TIMELY FASHION.**

1. Reviewing and Permitting Boards, Commissions and Departments request submittals at the same time and communicate with each other to insure no requirement is not in conflict with another. (e.g. If the Wetlands regulations or the septic placement conflicts with a dimensional regulations, relief to accommodate wetland or septic borings can be granted by variances or waivers).

Reviewing Boards, Commissions and Departments act as Reviewing Teams whenever possible to streamline the process. Each discipline would preside over their own jurisdiction. In many cases, in areas of the Development Plan and Subdivision Reviews the applicant can be working with the Planning Board, Building Official and the Fire Chief.

When an applicant submits a Development Plan Review or a Subdivision to the Planning Board, copies are submitted to the Board of Health, Conservation Commission, Building Official, Fire Department, Highway and Police (when applicable). The applicant can also be encouraged to submit formally at the same time to the Board of Health and the Conservation Commission.

**ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE  
EXAMPLES**

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Town of Lunenburg Permitting Process continued...

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3. Work Review or Work Project meetings can be held with Reviewing Teams for all Reviewing and Permitting Boards, Commission and Departments to facilitate the process and ensure proper compliance for the Town. This saves the applicant time and money. (e.g. Most developers bring Engineers and other expertise to the review process - Towns utilize the Statutes to insure expertise personnel aid without the review. It is cost effective to consolidate time and efforts).
4. Where a Special permit is granted by a Permitting Authority other than the Planning Board. The Planning Board should submit the Development Plan Review with its Directives and Conditions to Authority both in Status reports and entirety to aid that Authority.
5. The Community should benefit from a Simplified Permitting Process by seeking the status of reviews or ongoing project in a central place. Each discipline should keep its own records but reciprocal copies of approval or permits can be included in the files of projects that is subject to a Development Plan Review, Subdivision submittal, or Special Permit (e.g. copy of a building permit, septic permit, Order of Conditions could be placed in the file along with other data of a named project at the Planning Board).

## ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE

### EXAMPLES

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From The Town Of North Andover's "Policy Statement And Protocol - Technical Review Committee Procedure".

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#### Statement of Mission and Purpose:

The purpose of the North Andover Technical Review Committee is to expedite the development project review process (not the development itself, but rather the process of reviewing proposed development projects) in North Andover by:

- a. assisting development permit applicants and others to identify the Bylaws, requirements, rules and regulations with which they are expected to comply; and
- b. assisting the North Andover regulatory boards in the review of the proposed project by identifying the salient issues regarding the proposed project with which the Town is rightly concerned.

#### Objectives:

The Objective of the North Andover Technical Review Committee Are:

1. to meet with prospective permit applicants in an open, unintimidating atmosphere conducive to sharing information;
2. to listen to the prospective applicant's proposed ideas for the development of his/her parcel of land;
3. based on the prospective applicant's proposal, to inform the applicant of the Town's Bylaws, requirements, rules and regulations with which the applicant and the project must conform;
4. to coordinate their concerns and departmental responsibilities among themselves so as not to communicate conflicting requirements to permit applicants;
5. to assist the North Andover regulatory boards concerned with development in and of the Town of North Andover (generally, the Board of Selectmen, the Planning Board, Conservation Commission, Board of Health and Zoning Board of Appeals.

**ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE****EXAMPLES**

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From the Town of North Andover's "Quarterly Report" on the town's Permit Manager position

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**Karen H.P. Nelson**  
**Director**

**BUILDING  
CONSERVATION  
HEALTH  
PLANNING**



**Town of  
NORTH ANDOVER**  
**DIVISION OF  
PLANNING & COMMUNITY DEVELOPMENT**

**120 main street, 01845  
(508) 682-6483**

Goals and Objectives for the Permits Manager Position

1. Review the development. Collect feedback on the Guidebook from Town staff, Town Boards, and the public. Revise and update as needed.
2. Become familiar with the organizational structure of Town Government
3. Discuss both existing and proposed development projects among themselves.
4. Attend Technical Review Committee Meetings. Record and distribute minutes. Coordinate with the Town Planner in creating agendas for Technical Review Committee Meetings.
5. Coordinate with individual departments as to how best to streamline the distribution of permit forms and scheduling of meetings with staff members.
6. Attend at least one meeting of every Board and Commission.
7. Create additional handouts with the help of the staff as may be necessary to further streamline the permit process.
8. Research permit tracking computer software programs. Present research to the Technical Review Committee. Work with staff in implementing a permit tracking computer system.

## **ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE**

### **EXAMPLES**

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Town of North Andover Quarterly Report continued...

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#### **PERMITS MANAGER GENERAL AREAS OF RESPONSIBILITY:**

##### Technical Review Committee:

rescheduling agendas, keeping minutes, distribution, etc.

Lesson learned - Better understanding of municipal government interaction

##### Creating handouts for citizens:

\*There are many rules and regulations concerning various permits in Town. The average citizen doesn't usually need an entire "how to" handbook. It has been more beneficial to create singular handouts for people written in easier to read "layman's terms". This results in less confusion for people.

Lesson learned - Good way to streamline the process for citizens

##### Grant applications:

\*(Gives the town a better chance to being able to implement projects that otherwise wouldn't be affordable;

Lesson learned - The importance of good grant writing due to the amount of funding and completion involved.

##### Customer Service:

\*It is generally thought that this is lacking in most municipal governments. It has been beneficial for the general public to be able to meet directly with one person to guide them through the development process.

Lesson learned - People leave with a fresh attitude when they have been greeted and guided by a friendly, helpful person; it gives them the impression that North Andover is trying to make strides toward better customer service.

##### Networking:

\*Anne Marie has attended various regional conferences such as the MA Association of Planning Directors, Essex Valley Planning Association and Goal QPC to interact with employees of other municipalities. She compares the ways in which other Town governments have tried to streamline their permit process and to try other Town governments have tried to streamline their permit process and to try and implement their ideas in North Andover, if beneficial.

(Comparison/Contrast)



## **ACTION AGENDA TWO: REORGANIZE AND/OR CONSOLIDATE**

### **EXAMPLES**

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#### **Town of North Andover Quarterly Report continued...**

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Departmental Interaction:

\*Working with the various departments to come up with ideas of how the Town can work together as a team to achieve the same streamlining goals.

Lessons learned - Citizens become disconcerted when they approach a Town employee who disregards their requests or problems because it doesn't concern them directly; everyone must work together to make positive streamlining advancements.

## ACTION AGENDA THREE: GUIDEBOOKS AND ROADMAPS

- \* **Prepare A Guidebook**
- \* **Draw A Roadmap**

***For residents of your community who want to build additions to their homes, and for developers who deal with scores of different communities, each with its own procedures, the permit process in your municipality can appear to be a confusing maze. Where to go, which committees or boards to talk to, what information to provide, can all seem to be mysterious, unclear and confusing.***

### **PREPARE A GUIDEBOOK**

Preparing a guidebook to permitting for your community that outlines the players, the sequence and the process, is one of the fastest and most effective ways to help inform the public of your procedures. It is a step that creates a more user-friendly atmosphere, whether for your own taxpayers, who may only once in their lives need a building permit or for frequent permit applicants.

Writing a guidebook has another enormous advantage: it is an action that every community can take immediately that will be useful to anyone needing a land-use related permit even before any proposed changes are made in the city or town permitting process

The following suggestions will help you create the most effective guidebook to local permits.

- Keep it short and keep it simple.

- Provide the job titles, the phone numbers and the office locations for every local official whose involvement in the issuance of a permit or variance is listed in the guidebook. If you choose to include the names of relevant local officials, the materials will require up-dating as changes in staff occur.

- Consider a diagram or flow chart to make clear the sequence of events that must take place, such as review of a proposal by the conservation commission or sign-off by the board of health.

- Include the length of time allowed the relevant department or board for review and decision-making at each step in the permit process.

- Provide the meeting days and times of each appropriate board and committee.

- Include a list of all the types of permits and licenses issued by your

community and which board or body is authorized to issue them. (See Section 1 on the process of making an inventory of local permits and approvals.)

- Make guidebooks available in a number of locations, such as the library, the community center and the chamber of commerce, as well as in city or town hall. Consider mailing guidebooks to local contractors to inform them that these materials may be helpful to them or notifying them that such materials are available.

### **DRAW A ROADMAP**

Your town or city hall itself may be puzzling to

those unfamiliar with the building and the offices within it. If they don't exist, create signs, directories and floor plans clearly indicating to which office an applicant for

certain kinds of permits should go. Especially in cases where different matters are handled in separate buildings, create maps showing where the buildings and offices are

located. In addition, make sure there is an ample supply of permit guidebooks provided in the entrance areas to the town or city hall.

## ACTION AGENDA THREE: GUIDEBOOKS/ROADMAPS

### EXAMPLES

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From the "Guide for Business", by the Mashpee Economic Development Committee

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Board of Health:\_\_\_\_\_

The Board of Health is mandated by the Massachusetts Department of Environmental Protection (DEP) to ensure that water and wastewater treatment requirements are adhered to in existing developed lots and undeveloped lots. To facilitate this process, the Board of Health routinely arranges meetings with prospective applicants and the Building Inspector, who is also the Zoning Enforcement Officer, to inform the applicant of all the requirements and to answer any questions the applicant may have.

*Use of Preexisting Developed Lots:*

Water                      Is the lot serviced by town Water? if not, is the well adequate for the intended use?

Wastewater              Is the lot sewered to a treatment plan? If not is the existing septic system adequate for the intended use?

*Use of Undeveloped Lots:*

Water                      If town water is available, must connect. If not, must have a DEP approved well if servicing more than twenty-five people.

Wastewater              Must have a Board of Health approved septic system or a DEP approved connection to a treatment plant.

***A more detailed list of requirements is available at the Board of Health Office.***

### **ACTION AGENDA THREE: GUIDEBOOKS/ROADMAPS**

## EXAMPLES

From the Town of Yarmouth's "Guide to Yarmouth", produced by the Yarmouth Chamber of Commerce.

<b>Board/Meeting or Dept.</b>	<b>Schedule &amp;/or Function</b>	<ul style="list-style-type: none"> <li>• Town Property Lines</li> </ul>
<b>Board of Assessors</b>	<b>Tuesday, 4:30 p.m.</b>	<b>Place</b>
<b>Board of Health, Bruce Murphy</b> 398-2233 X241, Health Dept. Office Hours, 9-11 a.m.	<b>1st &amp; 3rd Mondays 3:00-6:00 p.m.-</b> <ul style="list-style-type: none"> <li>• Animal Permits</li> <li>• Communicable Diseases</li> <li>• Food service Permits</li> <li>• Household Hazardous Waste</li> <li>• Preventable Health clinics</li> <li>• Septic System Permits</li> <li>• Underground Fuel Storage Tanks</li> </ul>	<b>Town Hall, Room A</b>
	<b>Inspector's office hours 9:00-11:00, Monday through Friday, except for req. state training sessions</b>	<b>Town Hall, Hearing Room</b>
<b>Building Department, Forrest White,</b> 398-2231 X261	<ul style="list-style-type: none"> <li>• Building &amp; Occupancy Permits</li> <li>• Certificates of Inspection</li> <li>• Plumbing/Gas/Electrical Permits</li> <li>• Site Plan Review</li> <li>• Sign Permits</li> </ul>	<b>Town Hall</b>
<b>Gas/Plumbing.....X262</b> <b>Wiring.....X263</b> <b>Signs..... X269</b>	<b>Every Tuesday, 7:00 p.m.</b> <b>(Summer, every other Tuesday)</b>	
<b>Board of Selectmen Contact</b> <b>Town Administrator</b>	<b>1st &amp; 3rd Thursday, 7:30 p.m.</b> <ul style="list-style-type: none"> <li>• Certificates of Compliance</li> <li>• Determination o Applicability</li> <li>• Notice of Intent</li> <li>• Extension Permit</li> <li>• notice of Nonsignificance</li> </ul>	<b>Hearing Room, Town Hall</b>
<b>Conservation Commission</b> <b>Bradford Hall, 398-2231 X290</b>	<b>Note: The DPW Commissioners no longer exist as on the 1994 annual election</b>	
<b>Department of Public Works</b> <b>George Allaire, 398-2231 X290</b>	<b>By Appointment</b> <ul style="list-style-type: none"> <li>• Aerial Photographs</li> <li>• Drainage, Flood Zones/Maps</li> <li>• Street Numbers</li> <li>• Surveying (Town Land Only)</li> </ul>	
<b>Engineering Department</b> <b>Richard deMello, 398-2231 X250</b>		

## ACTION AGENDA: GUIDEBOOKS/ROADMAPS

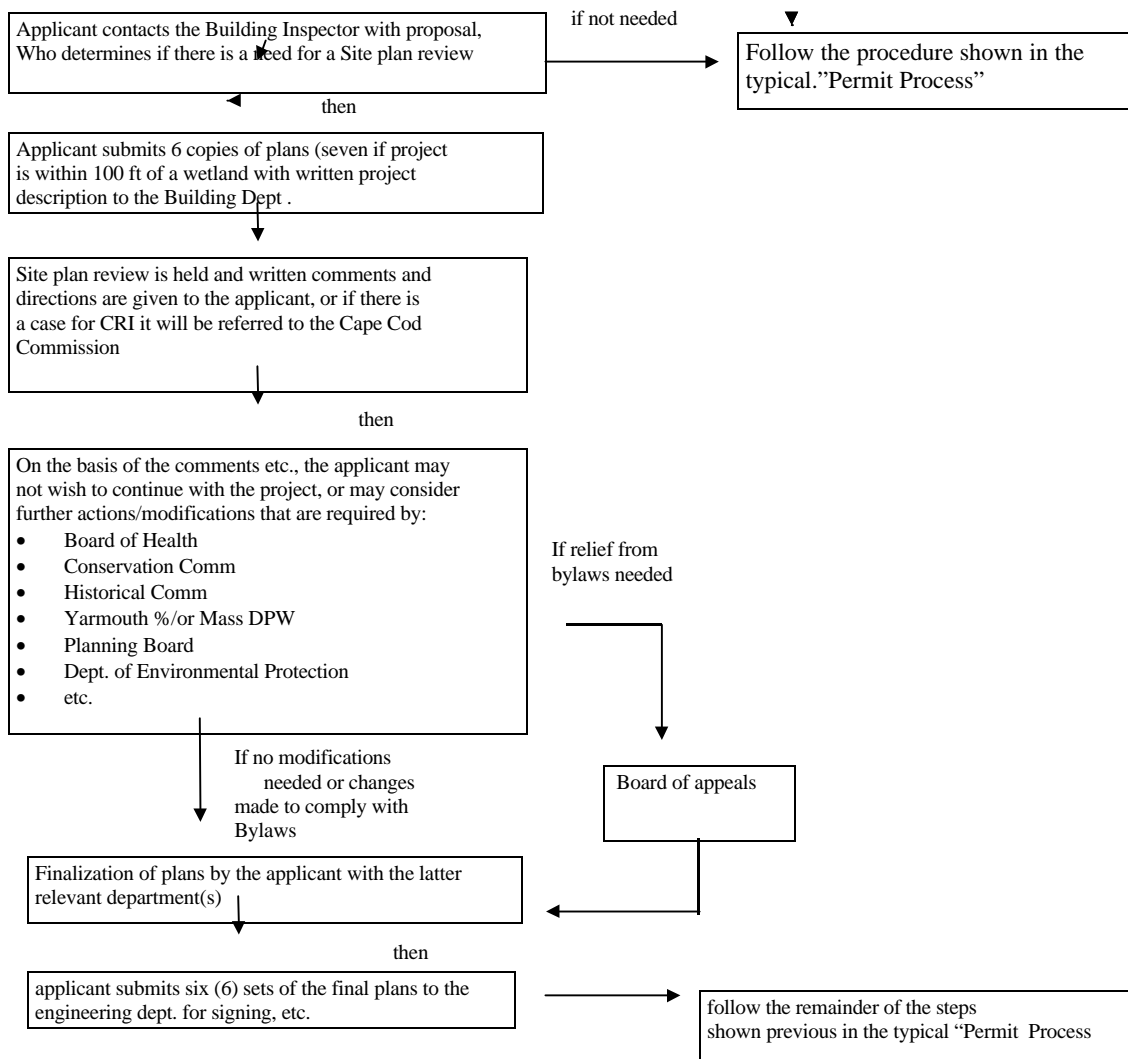
### EXAMPLES

From the Town of Yarmouth Guide continued....

#### Site Plans Reviews

Business & Industrial proposals (both for new structures and those for existing structures involving a change of use) will require a site plan review in order to cover all the previously mentioned areas. An applicant should be aware that site plan reviews are not only a good opportunity to solve problems, but informal meetings with the building inspector or the planning department, can be very advantageous. It should be pointed out however, that the construction of additional hotels or motels are no longer permitted in Yarmouth.

When a site review is required, the process is described in the following flow diagram:



## **ACTION AGENDA FOUR: COMPUTERIZE PERMIT TRACKING**

- \* ***Develop A Plan***
- \* ***Municipal Goals***
- \* ***Clear Advantages***

***For those communities considering computerizing their permit tracking processes, the major incentive appears to be the built-in ability to share all of the information about a parcel or a property among local officials and staff without having to duplicate the information in a number of department files. The flexibility that a computer operation brings can allow permit applications to be coupled with zoning and environmental information, previous permit approvals, status of multiple permits on a major project, and inspection records and conditions, among other data.***

***The most complex of the systems being considered in the Commonwealth will also include Geographic Information Systems (GIS) information with the permit tracking data base. This kind of multiple data listing is seen as a key factor in expediting permit application reviews, especially in those cases when a large scale development must be reviewed by a number of departments and boards.***

### **DEVELOP A PLAN**

The process for launching a computerized permit tracking system is similar to the conversion of any municipal function from a manual one to a automated one. The process will vary from community to community but there are some key steps which every municipality should consider. These include:

- Creation of a permit tracking team representing the departments that will be using the new system

- Choosing a consultant capable of clearly presenting the pros and cons of alternative software and hardware packages as well as providing training skills

- Drafting a work plan for the project which includes a timeline for each of the various implementation steps

- Developing detailed and complete specifications for both hardware and software which reflect the experience and needs of the staff tracking team

- Providing for sufficient training in use of the new hardware and software for the staff of every relevant department, board and committee

The input from those staff members who presently operate the permitting system is invaluable in making certain that all necessary operations and processes will be covered within the new system. In addition, the involvement of these staff members allows consensus building of support from the earliest stages of the project.

## MUNICIPAL GOALS

Information exchange and efficiency are among the primary goals of municipalities interested in computerized systems. Electronic data, which allows the sorting of information in a large number of ways, can also provide information helpful with both regulatory and enforcement issues. Any individual permit in the system could be flagged as having related permits, preventing a premature or inappropriate permit from being issued inadvertently.

Information can be sorted to show trends. An inventory of available parking spaces, for instance, can be used by the planning board to support a zoning change and by the downtown partnership to pursue added off-street parking lots.

In addition, cities and towns expressed an interest in providing access for residents, developers, homebuyers and others to the wealth of information available in town or city halls. With safeguards that prevent data input or change, a computerized system could provide computer terminals that make zoning, assessing,

environmental and other information available to the general public directly, without the need to use department staff time.

## CLEAR ADVANTAGES

At least one of the current commercial software applications provides simultaneous access for 300 users, which means that all relevant municipal departments can benefit from the information. For instance, the assessors would immediately be aware of a proposal to put an addition on the property; the planning board could track such trends as the increasing number of conversions of single family homes to duplexes in a particular neighborhood and the economic development committee would have a running tally of available industrial land.

Among the advantages cited in other parts of the country for computerizing permits is a computer system's ability to save staff time in researching individual projects. All input relevant to a particular property, from whatever source, becomes part of that parcel's continuing record. Integrating data from a number of departments and boards within a

community also ensures uniformity of identification, eliminating the kind of problems encountered in getting information about a project or a location when each department of the town uses a different system to catalogue.

One of the final benefits mentioned for putting permits on an electronic system is the ability of all municipal departments or boards to maintain up-to-date logs on department activity and receive weekly or monthly tallies of permits issued and pending.



**ACTION AGENDA FOUR: COMPUTERIZE PERMIT TRACKING**

**EXAMPLES**

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From the Town of Barnstable's "Design Features of a Computerized Tracking System".

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**Licensing and Permit Management**

**CROSS SYSTEM INTEGRATION:**

- Response due in the property record, a Land or Geobase key to provide interface to the expanded property and infrastructure records maintained in the Land or Geobase module. - Processes permit and inspection fee payments, producing a fee payment activity report, and provides a batch interface to the Fund Accounting module.

**INFORMATION STRUCTURE:**

- Provide user defined tables which include licenses/permit types, required inspection, inspection types, contractor/business data, architect data, construction type, licenses/permit status and fee codes to streamline and unify data keyed into the system.
- Provide ability to assign a status to an engineer, architect, contractor, business, such as licensed, insured, etc. which may be used as a basis for query or reporting.
- Provide ability to assign a status to a property such as historic, non-conforming use, business, public, etc., which may be used as a basis for query or reporting. building which may be used as a basis for query or reporting to track the department of issue.
- Maintain detailed property records including user defined fields once established to allow entry of licenses, permit and inspection records to create a history trail for the property.
- The license or permit record to contain data on inspections required, schedules, results of inspections, expiration date, contractor, architect, inspector, valuation comments and fee if applicable.
- May specify multiple levels of approval required for each license/permit type.
- May assign default inspections required according to license/permit type.
- Allows an unlimited number of fees associated with each permit or inspection type.

**PROCESS CONTROL:**

- Provide a system for issuing and monitoring licenses and permits and as applicable, the inspections associated with the permits.
  - Tracks the dates open, resolved, and abated for code violations.

**ACTION AGENDA FOUR: COMPUTERIZE PERMIT TRACKING**

**EXAMPLES**

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**Town of Barnstable Design Features continued....**

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- Provide a note window which allows entry of free-form text associated with a property, inspection or violation.
- Automatically calculates fees based on flat rates, unit rate, or rate step (e.g. value, sq. ft., fixtures) or valuation.
- Fees may be unique per permit type.
- Maintains a history of individual inspection fees owed and paid by permit including the user who entered the payment amount.
- May establish default fees for any permit type.
- Tracks the date, result, inspector, and comments on inspections associated with a permit.

**ACCOUNT STATUS INFORMATION:**

- Provide management reports for historical reference and to assist in inspection scheduling by providing user definable selection criteria.
- Reporting capabilities include a property/owner cross reference, issued permits list, expired permits list, inspection records, open inspections, required inspections, property-permit cross reference, an inspection schedule, and a renewal notice which is an advance listing of permits about to expire.
- Allows printing of permits and certificates of completion (occupancy permit) based on user defined selection criteria.
- Allows printing of form letters or mailer based on query of information from the database and down load to a microcomputer based word processor (Microsoft Word).

## ACTION AGENDA FOUR: COMPUTERIZE PERMIT TRACKING

## EXAMPLES

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From the Town of Amherst Final report on developing computerized permit tracking

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Vertical market software is software designed for specific market segments, i.e., software dental practice accounting rather than general-purpose accounting. Many vertical market packages are designed to be customized for each installation. Vertical market software *should be* designed by programmers *who know the vertical market*.

The pros and cons of each are listed below:

VERTICAL MARKET SOFTWARE	
Pros	Cost
Cost - vertical market software should be less expensive than custom software	One size fits all -- Even if the software is customized, some user's requirements may be difficult or impossible to implement
Customer base -existing vertical market software should have a user base that has helped define and debug the software	Limited extensibility - Changes in reports, screens, etc. may have to be performed by the authors at additional expense
Support - It is easier to support 10 users of one piece of software than ten users each with their own applications	

CUSTOM SOFTWARE	
Pros	Cons
What you want - Custom software is written from scratch. As a result, the user can have "anything" he/she requires (based, of course, on cost and what is actually possible.)	Cost - The cost of custom software can exceed vertical market software by tens of thousands of dollars
	What You Want not What You Need - Depending on the experience of the programmer and the specifications of the purchaser, the end product may omit essential features that are not foreseen until the system is implemented.
	Quality Assurance Testing - The end-user often performs the quality-assurance testing.

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From the Town of Amherst Final Report on developing a computerized permit tracking system.

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### III. DEVELOPMENT OF THE TEAM

#### Selection Criteria

Once the Consultants were selected, an internal team was assembled. The recognition that the success of the project required departmental buy-in led to the inclusion of one staff person from every department, plus additional "influencers" whose approval would assist the success and whose disapproval would defeat the success of the ultimate project.

It was a benefit to have the team involved at the start of the project for a number of reasons:

Input----- the team represented the departments that would be using the new system and their input was essential in designing a system that would work properly.

Continuity-----the team would be aware of all decisions, etc. during the entire process and would not need to come up to speed midway through the process.

Ownership-----since the team could provide input, influence decisions, and could get their "personal peeves" listened to resolved, they were much more likely to feel **responsible for the** success of the project.

#### User Concerns

The Team also focused on the concerns of the users of the system. Three types of concerns surfaced almost immediately:

"Legitimate" concerns (problems requiring resolution). Assistants who currently perform most of the typing felt that the computer-phobic employees and officials would simply dump their work on the assistants. Legitimate concerns needed to be dealt with by department heads, who could assure the assistants that there would be a mechanism for training for all users and enforcing the requirement that they use the system.

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From the Town of Amherst Final Report continued

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Perception issues (inaccurate assumptions). One assistant complained that typing the permits on-line would simply add to her workload. Perception issues required additional information. The assistant needed to see how the permit system would also reduce her current workload.

Reality issues (actual changes). Many employees wanted things to stay the same, even after the permit system was installed. They needed to accept the fact that their work would change. Department heads and the Consultants stressed the benefits of the new system and the commitment to training. Staff needed to understand that initially the system would be harder to use because it was new, and it would add to their workload because the old system would stay in place until the new one was verified. However, the end result would be a reduction in duplication of effort, easier paperwork, and better reporting of and searching for permit information. By finding examples of time-consuming tasks that would disappear, the benefits of the system could be stressed.

## ACTION AGENDA FIVE: TWO-TIER PERMITS

- \* ***Establish Policies***
- \* ***Clarify Procedures***

***Dividing permit applications into two or more categories, so that uncomplicated requests get accelerated action, is much more common in other parts of the country than it is in Massachusetts. However, it is one of the streamlining techniques that some cities and towns in the Commonwealth are beginning to explore seriously since it holds out promise of simplifying and thereby speeding up the process of permit reviews without necessarily hiring additional staff.***

***The premise is a simple one: reduce the number of applications which receive a higher staff level of review, thereby freeing technical staffs to spend their time on the major or more complicated applications which demand such scrutiny. The procedure has the benefit of providing swifter and more efficient service levels to most applicants, while allowing municipal planners and decision makers additional time for serious and considered reviews of large-scale development proposals and plans.***

### **ESTABLISH POLICIES**

To establish such a procedure, a city or town should first analyze all of the kinds of permits, approvals and reviews currently performed for land-use purposes, and then decide which of these requests and applications can be dealt with at lower levels. (See Section 1 on doing an inventory of permits.)

Such an express category would probably include permits and approvals for such things as building fences or garages, or re-roofing buildings, when all boundaries and set-backs are met and there are no environmental issues outstanding. Each community will undoubtedly compile a slightly different list of those applications and permits it feels belong in the lower tier.

Critical to the policy development of a two-tier or multi-tier process is to provide sufficient staff

training so that everyone in the municipality's land-use process is comfortable with the judgments that will be made about express applications. Clear policies about which applications belong in a lower and which in a higher tier should be established, and check lists for reviewing lower tier applications to make certain they comply with all applicable requirements should be created.

### **CLARIFY PROCEDURES**

Setting up such a two-tier process provides the perfect opportunity to analyze the work flow and procedures for more complicated and large scale development proposals. Developments which require zoning changes or variances, plans which involve wetlands or historic districts, or applications which impinge on water quality overlay areas of a community would probably fall into this category.

Developing a logical flow for reviewing these more complex plans could include determining exactly what types of information and plans an applicant should provide, establishing maximum time frames for consideration of the proposal at each stage of the process and charting the best sequence of meetings and hearings the application should follow before town departments, boards and commissions. If the goal of the two-tier permit process is met, to free up technical staff by decreasing the time involved in routine applications, land-use staffs will have some additional time to devote to a careful review of high impact developments. This would assure the most thoughtful consideration of the effect of such proposals on the community without stretching out interminably the time required to review them.

### **NOTE:**

***It is likely that establishing a two-tier or multi-tier review process will require changes in by-laws or ordinances and may require filing a home rule petition. Please have your town counsel or city solicitor review local regulations and state law.***

EXAMPLE OF MUNICIPAL MATERIALS  
Town of Acton Development Guide

## *Town of Acton Development Guide*



### OUTLINE

- I. First steps: advice on establishing contacts with Town departments and on The research needed for your application.
- II. A summary of the most: common permits you may need,
- m. A brief review of the permit-application process,
- IV. A summary of land-development options which the Town encourages and which may give you more flexibility and lower your costs,
- V. A checklist Of development constraints and permit requirements.

Homeowners, small businessmen, and even some professionals often need a helping hand to get through the complicated process of securing local permits for development and construction projects. The Middlesex County town of Acton has published a Development Guide that explains the hoops and hurdles each project might face and how applicants should proceed. The information included ranges from mundane matters such as "where to buy a zoning bylaw" to a remarkably coherent explanation of transferable development rights. We are reproducing the Guide here in full, in the hope that other communities might follow Acton's lead in providing this kind of invaluable assistance to the average citizen. The only liberty we've taken is the addition of a cartoon or two.

This guide is for information only: It does not force the force law law. Please refer to the applicable laws and regulations for specific technical and procedural requirements. In most cases you will need professional help In such areas as land survey, engineering`, architecture, law, and transportation planning.

### 1. The First Steps

Most projects need permits. The more research you do in the planning stage, the easier it will be to meet the requirements for town and (sometimes) state and federal permits and approvals. You will increase the likelihood that your project and design will be accepted, and reduce your risk of having to make significant-and expensive-changes in order to obtain approval.

### Step One First Contacts and Research

As soon as you know the location and approximate size of your development project and the use(s) to which it will be put, talk to people in the Building, Conservation, Health, Planning, and-

departments at the Acton Town Hall. They can tell you if your project seems feasible or what changes you may need to make. They'll show you which permits you are likely to need, roughly how long it will take to get them, and whether public hearings will be required. This information will help you estimate your planning costs, set realistic project time lines, and minimize the likelihood of unpleasant surprises.

**Building Department**—This is the first department you should visit. It enforces the Acton Zoning Bylaw, the Historic District Bylaw, and the State Building Code, and issues building, occupancy, and sign permits. The Building Department is your day-to-day contact throughout the process of getting Site Plan and "Use" Special Permits from the Board of Selectmen, and Variances and Flood Plain Special Permits from the Board of Appeals.

**Conservation Commission**—The Conservation Commission administers the Massachusetts Wetlands Protection Act and the Acton Wetlands Bylaw, including related state and local regulations. The Conservation Administrator can tell you if your project falls under the Commission's jurisdiction and advise you on obtaining local, state or federal permits. Do not bypass this step: conservation impacts are not always apparent. Some wetlands are not obvious to the untrained eye. For new projects, Acton enforces a "No Build Buffer" of 40 feet around all wetlands.

**Health Department**—The Board of Health enforces the state and local health and environmental codes. Among the many permits and certificates it issues are those for septic systems, hazardous materials, restaurants and food retailers, swimming pools, and Construction in a groundwater protection zone.

From the size and proposed uses of your project, Health Department staff can estimate its sanitation needs. They will explain the procedures for obtaining septic system and other permits and approvals. Use the Health Department's records of soil tests to help determine your site's suitability for septic disposal; this knowledge can save you **much time and money**.

**Planning department**—The Planning Department evaluates development proposals for their contributions towards community planning goals as documented in the current Acton Master Plan and to assess their impacts on the environment, transportation system, and town character. It coordinates the departmental review and legal process for new **development proposals submitted to the Planning Board** under the Zoning Bylaw and the Subdivision Control Law.

The Planning Board issues special permits and approvals for subdivisions, alternative residential **developments (see Section IV)**, affordable housing developments, certain types of projects in groundwater protection zones, certain signs and Planned Unit developments (mixed residential/commercial/industrial developments). **The Planning Department is your day-to-day contact throughout the process of obtaining these approvals.**

**Engineering Department**—Consult with the Engineering Department on questions regarding **roadways, parcel boundaries, curb cuts, floodplain regulations and permits, and locations of underground utility lines such as gas and water mains. Removal of street trees requires a permit**

## ACTION AGENDA FIVE

**from the Tree Warden; the Engineering Department can put you in contact with him.**

**Regulations. Mops. and Other Materials - You can buy** these in Town of offices as shown below. This is not a complete list: department staff people will tell you wetlands others you may need.

- Building Dept.: Board of Appeals regulation. Site Plan Special Permit regulation
- Conservation: instructions for filing a notice of Intent to do work affecting wetlands
- **Board of Health:** Bylaws, regulations on health-related issues, i.e. septic systems, hazardous materials, and groundwater protection
- Planning Dept.: Zoning bylaws. Subdivision regulations and Special Permit regulations
- Engineering Dept.: Pages from the Town Atlas, flood plain maps, most plot plans and deeds, street plans, curb cut regulations

As you gather information, thoroughly study the applicable laws and regulations. If necessary, **get independent professional advice on surveys, soil tests, groundwater analyses, traffic studies, and legal questions.**

### Step Two Preliminary Design and Review

Often, you can avoid delays and costly changes by scheduling one or more informal reviews with Town departments when your design is still in the early stages. The amount of detail you need varies according to the permits you are applying for; consult the appropriate Town department to find out their requirements. In general, your plans should show a rough layout, and you should have information in hand related to factors influencing feasibility (see the checklist in Section V).

#### 11. Permits

These are the most common permits and approvals. It is not a complete list - only through your first contacts, research, and preliminary reviews can you identify all the permits you will need.

#### Groundwater Protection District Special Permit (Section 4.3 of Zoning Bylaw)

Your development site is in one of Acton's four Groundwater Protection Districts, which are overlaid (superimposed) on the basic zoning map. Regulations in these districts are often more restrictive than and override those of the underlying zoning district. Many uses in Districts 1, 2 and 3 are not allowed, while others require a Groundwater Protection District Special Permit from the Planning Board. Restrictions typically affect lot coverage, site design and construction cost.



### **Flood Plain District Special Permit (Section 4.1 of Zoning Bylaw)**

All land below the 100-year-flood elevation is subject to flooding during a severe flood (nominally expected not be allowed or may require a Flood Plain District Special Permit from the Board of Appeals. You may need safeguards which can affect your design and Costs.

### **Wetlands Protection**

Work in or within 100 feet of a wetland (defined in the Massachusetts Wetlands Protection Act and the Acton Wetlands Bylaw) is regulated by the Conservation Commission. Many kinds of work are prohibited in these areas; those that are allowed may require a permit called Orders of Conditions.

### **General Zoning (section 3 and others of Zoning Bylaw)**

Your site is in one of Acton's 23 zoning districts. The Zoning Bylaw defines in detail the requirements of each district with dimensional controls for building heights, square footage, setbacks, parking facilities, and landscaping. Some uses are prohibited in certain districts, while others require a "Use" Special Permit from the Board of Selectmen. This permit is discretionary; don't expect to be granted one automatically. The Board of Selectmen considers neighborhood acceptance, Master Plan consistency, and other site or area-specific issues, and may require measures to mitigate the impact of the intended use.

The Zoning Bylaw defines many special permits (not listed here) which allow for special circumstances, uses, and designs. There are also several development options (see Section IV) to encourage projects that are consistent with the Master Plan.

### **Board of Health Permits**

Among the permits you will need from the Board of Health are those for a septic system or other wastewater disposal method and for storing or handling hazardous materials. If your project is within Groundwater Protection Districts 1, 2, or 3 and will cause discharges of any kind into the groundwater, you will need additional permits from the Board of Health.

### **Site Plan Review (Section 10.4 of Zoning Bylaw)**

Almost every commercial or industrial project, including expansions and additions, requires a Site Plan Special Permit from the Board of Selectmen. Your plans will be reviewed by several boards and departments for specifics of site, layout, building design, parking facilities, landscaping, drainage, and the mitigation of traffic and other impacts.

### **Signs (Section 7 of Zoning Bylaw)**

The Zoning Bylaw regulates the design, size, location, and number of signs. Most **commercial signs cannot be installed without a sign permit from the Building Commissioner**. The Planning Board has limited discretion to issue a Sign

## **ACTION AGENDA FIVE**

Special Permit for signs which do not conform to regulations. Some

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~Y~ once every 100 years). Deve



**signs, such as directories, construction, window or religious signs, are subject to limitations but do not require a permit.**

### **Historic Districts**

Acton has three Local Historic Districts: in Acton Center, South Acton, and West Acton. Development, new construction and exterior changes of existing buildings are subject to regulations designed to preserve the historic and architectural integrity of the districts. Most exterior work requires a **Certificate from the Historic District Commission**. Information and contacts for the Commission are available at the Town Clerk in Town Hall.

### **Subdivision Approval**

**If your project is a subdivision, that is, if it divides the land into lots or parcels (either residential or commercial**

and requires the construction of new streets, you must get a Subdivision Approval from the Planning Board. If you don't have to build a new street, the Town Planner, acting on behalf of the Planning Board, may sign a "Subdivision Approval Not Required" Plan.

### **Zoning Variances (Section 10.5 of Zoning Bylaw)**

Rarely, and only in extraordinary circumstances, the Board of Appeals may grant Variances, or departures from the Zoning Bylaw, such as a setback or building height not otherwise permitted in that Zone. The Zoning Bylaw, mirroring the state Zoning Act, sets stringent legal conditions for these variances, allowing them only in cases of unusual hardship, financial or otherwise, due to unique circumstances related to the land or building. You should not request a Variance unless you have determined, with legal counsel, that your situation satisfies the legal criteria. Even if those criteria are met, however, the Board of Appeals is under no obligation to grant a Variance, and in no case can it grant one to allow a prohibited use.

### **Work Within a Pubic Way**

All work within a public way owned and maintained by the Town of Acton, such as the installation of driveways or utility lines, requires a permit from the Acton Engineering Department. All water-supply work, both public lines and individual hookups, must conform to the regulations of the Water Supply District of Acton, which is not a Town department. The District offices are at 693 Massachusetts Ave. (Route 111), in West Acton.

### *State and Federal Permits*

Depending on the nature of your project or its impacts, you may need to apply for one or more permits from the State or the Federal government. Here are the most common:

- a cur-cut permit from the Massachusetts Highway Department for work affecting a state highway (Routes 2, 2A and most of Route 111 );
- a permit from the US Army Corps of Engineers for work affecting certain wetlands and water ways;
- a Certificate of Compliance from the Massachusetts Executive Office of Environmental Affairs (MEPA).

The Town's staff can help you identify state and federal requirements for your project and help you make contact with the appropriate agency, but it is your responsibility to ensure compliance with state and federal requirements.

### *Building Permit*

This is the last permit you get before starting construction. All other permits must be in place at this time. Before issuing a building permit, the Building Commissioner conducts a final check on zoning compliance and reviews your building and construction plans for compliance with the Massachusetts Building Code and handicapped access standards.

### *111. The Review Process*

When your design work is complete, you are ready to apply for your permits. Preparing an application is not always simple. We'll answer any questions and try to clear up mysteries, but you should get independent professional and legal advice as well. Careful attention to detail will help you avoid delays, frustration and disappointment.

### *How Long Will It Take to Get a Permit?*

It depends on how many and what kinds of permits you need. Many applications can be processed simultaneously, but some, including the Building Permit, require that others be in place first. Here are some typical processing times from the day you submit your application for common permits:

Building Permit Sign Permit Special Permit (Zoning)  
Variance (Zoning) Wetlands Permits Board of Health

## **ACTION AGENDA FIVE**

permits Subdivision Approvals Historic District  
Certificate

30 days  
Up to 2 months  
4 - 6 months  
4 - 6 months  
2 monitors  
1 month  
4 - 6 months  
1/2 - 2 months

Most Special Permits under the Zoning Bylaw will take less than four months, but your schedule should allow up to six months just in case.

### *Public Hearing Procedure*

*Special Permits Under the Zoning Bylaw*—Before the Town can grant a Special Permit, it must hold a public hearing so that citizens, and particularly neighbors and abutters, can comment on or express concerns about your project. Nevertheless, don't wait until the formal public hearing notice to contact your neighbors; tell them your plans early on, to find out what you can do to address their concerns. Such early communication is not only courteous, it is a proven strategy for a successful application.

The permit granting authority (Zoning Board of appeals, Planning Board, or the Board of Selectmen) will schedule the hearing no earlier than 35 days after receiving your application, and will place the required notices giving the date, time, location and purpose of the hearing in at least two editions of the local newspaper. (The paper will bill you directly for the cost of the insertions.) In addition, you must send a notice to each abutter, to abutters of abutters, and to the Planning Boards of each town abutting Acton by Certified Mail, Return Receipt Requested, at least 14 days before the hearing date. You must give the return receipts to the permit-granting authority as proof that all parties have been properly notified. The Town Assessor in the Town Hall prepares a certified abutters list.

You or your representative should attend the hearing to present the application and state the reason(s) why the permit or approval should be granted. After your presentation, Board members will offer their comments and questions. Then the Chairman will solicit comments from abutters and other members of the public. Any citizen may speak in person, or through an agent or attorney, at any hearing. When all persons wishing to be heard have spoken, the Chairman will close the hearing and the Board will take the matter under advisement. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless they have previously requested it.

*Permits Not Under the Zoning Bylaw*—Other permits may or may not involve the public. For instance, a Building Permit or Septic Disposal Permit does not require a public hearing, but a Subdivision Approval from the Planning Board does, as do most approvals by the Conservation Commission.

### *IV. Preferred Development Options*

## ACTION AGENDA FIVE

To encourage you to help Acton realize the goals and objectives of its current Master Plan, the Zoning Bylaw offers several development options affecting density and use in some zones. Both you and the Town might benefit if you can take advantage of one or more of these options.

### *Open Space Preservation*

To foster preservation of Acton's open space and remaining rural character, the Zoning Bylaw offers two alternatives to the standard residential subdivision: Open Space Development (OSD, Section 4.2) and Planned Conservation Residential Community (PCRC, Section 9). These options preserve open space by al

lowing homes to be clustered on lots smaller than the standard in the zone. OSD gives you some flexibility in lot layout while retaining the character of a traditional neighborhood of single-family homes. PCRC provides even greater flexibility by allowing the use of multifamily dwellings and by eliminating minimum lot-area and frontage requirements. We especially encourage these options in the Residence 8/4 and Residence 10/8 Zoning Districts, u here they allow more units than would be possible in a standard subdivision. But even in zones where this density bonus is not available, we think you will benefit from using one of these options because of increased design flexibility, lower construction costs, and the consumer's desire to locate near or adjacent to protected open space.

### *Affordable Housing*

Section 4.4 of the Zoning Bylaw **establishes the Affordable Housing Overlay District**. It allows you a significant increase in housing density as an incentive to include affordable housing. In approving such developments, Acton seeks to maximize the number of housing units that will qualify as contributing towards the state's 10% affordable housing goal. **We urge you to** take advantage of this incentive; we'll help you find the best approach for your project.

### *Planned Unit Development*

To **encourage compact or clustered mixed-use developments that preserve open space and reduce peak-hour** traffic congestion, Section 9A of the Zoning Bylaw allows owners of **business or industrially-zoned parcels in excess of 15 acres to create a Planned Unit Development (PUD)**. A PUD offers flexibility in the mix of business, industrial and **residential uses and in site design, which could be more marketable than a single-use** development.

### *Transfer of Development Rights on New Village*

The 1991 **Master Plan established two new village** district zones, North Acton and East Acton. To promote development and growth in these new districts and to discourage commercial sprawl and traffic congestion along Great Road (Route 2A/119), Section 5.4 of the Zoning Bylaw defines ,an option called Transfer of Development Rights (TDR).

Certain parcels along Great Road are designated "sending districts." In these districts, the owner may not develop his or her property to the full extent otherwise allowed in the underlying zone. The difference between the allowed and full development limits constitutes the

"development rights that the owner may sell or transfer to the owner of property in the North Acton Acton village "receiving districts"

- Sign Permit or Special Permit  
or East- Permit for Work within a Public Way  
." An owner who buys- State or federal permits needed such rights may build to a higher density than otherwise Hazardous Materials Permit permitted. - Building Permit O

Section 5.5 of the Bylaw allows TDR within a village district, encouraging development of public amenities such as village parks or shared parking to enhance the village's character and economic health.

### *Common Driveways*

Acton encourages the use of common driveways, especially in commercial areas. Driveways that serve two or more commercial establishments need fewer curb cuts, reducing the potential for turning-traffic conflicts. They cost less to build and maintain than separate driveways.

### *~ DEVELOPMENT CHECKLIST*

Use this checklist to keep track of the information and permits you're likely to need.

### *Factors Influencing; Feasibly*

- Flood Plain (100-year-food elevation)
- Groundwater Protection District
- Wetlands
- Septic Suitability
- Zoning District (is the use permitted?)
- General Zoning Requirements (building heights, setbacks, floor area ratio, parking facilities, etc.)
- Alternatives (other designs, layouts that might save money or increase revenues. including Preferred Development Options outlined in Section IV)
- Local Historic District
- Flood Plain Special Permit
- Groundwater Protection District Special Permit
- Order of Conditions (Wetlands)
- Permit for Septic System or Wastewater Facility
- Open Space Development
- Planned Conservation Residential Community
- Planned Unit Development
- Minor/Major Affordable Housing Development
- Residential Common Driveways
- Transfer of Development Rights
- Subdivision or "Approval Not Required. Plan
- Special Permit
- Zoning Variance

-Site Plan Special Permit



### *Riding, in Circles*

The owner of the Aspinwall Stables in Lenox has recently found herself in hot water after renovating a barn and adding a riding ring to her horse farm. **Town officials** discovered this summer that portions of the riding in'' and barn are on town-owned land. But that's just the beginning. It also turns out that wetlands were field during the construction of the ring.

Aspinwall Stables hopes the town will agree to sell H the land under the barn and ring—a transaction that would require a town-meeting vote. Meanwhile, the Lenox Conservation Commission issued an **Order of conditions** requiring the stable owners to restore the 3,000 square feet of wetlands that were filled. Ten citizens, including; a former Conservation Commissioner, promptly appealed this order to the Department of Environmental Protection because they believed that more than 3,000 square feet was filled.

According to local sources, the Zoning Board of Appeal is also getting into the act because of concerns that the barn may violate property-line setbacks.

Carol Gwara, Aspinwall's owner, says she was unaware that she was building the ring and barn on town property and that she got a building permit to erect the barn from Leon's Building Inspector.

**APPENDIX B**

**BIBLIOGRAPHY OF PERMITTING MATERIALS**

**Unless otherwise noted, these publications are available only from the organization or government agency from which they originated.**

1. "PERMIT AEROBICS - Getting Your Process in Shape: A User's Guide to Streamlining"; Cogan, Sharpe & Cogan, Oregon Department of Land Conservation and Development, July 1987
2. "LOCAL GOVERNMENT PERMIT STREAMLINING Strategies; Office of Permit Assistance, Trade and Commerce Agency, State of California, January, 1994
3.  
  
"COMPUTERIZED PERMIT TRACKING"; Town of Amherst with EOCD Municipal Incentive Grant, June, 1994. Available from EOCD
4. "DEVELOPMENT GUIDEBOOK"; Merrimack Valley Planning Commission for the Town of North Andover with EOCD Municipal Incentive Grant, October, 1993. Available from EOCD
5. "GUIDE FOR BUSINESS - An Introduction to Our Town's Permit and Licensing Process for Prospective Businesses" Economic Development Committee, Town of Mashpee
6. LAND-USE BY-LAWS"; Devens Regional Enterprise Zone, September, 1994